

# **REMARKS**

## **INTRODUCTION:**

Claims 1-37 are pending and under consideration. Reconsideration is requested.

## **REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at pages 2-4, the Examiner rejects claims 1-37 under 35 U.S.C. §103 in view of Kimura et al. (U.S. Patent No. 6,898,168) and Lee et al. (U.S. Patent No. 6,259,668). The rejection is respectfully traversed and reconsideration is requested.

As an initial point of clarification, Kimura et al. was first filed in the United States on May 2, 2001 and was not published until May 24, 2005. Further, the instant application was first filed in the United States on July 6, 2001, and claims foreign priority to Korean Patent Application No. 2000-39091, which was filed July 8, 2000. A certified copy of Korean Patent Application No. 2000-39091 was filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action. Further, enclosed is an English translation of Korean Patent Application No. 2000-39091, along with a statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least July 8, 2000. MPEP 201.15. Since Kimura et al. has a U.S. filing date of July 6, 2001, it is respectfully submitted that Kimura et al. is not available as prior art under 35 U.S.C. §102(e)(1) since Kimura et al. was not filed in the United States prior to the applicants' invention. MPEP 706.02(b). Since Kimura et al. does not appear to otherwise qualify as prior art, it is respectfully submitted that Kimura et al. is not available for use in a prior art rejection of the claimed invention.

Since the Examiner does not rely on Lee et al. as disclosing the features of the claimed invention without Kimura et al., it is respectfully requested that the Examiner withdraw the rejection of claims 1-37.

## **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution

**SERIAL NO. 09/899,501**

**DOCKET NO. 1293.1210**

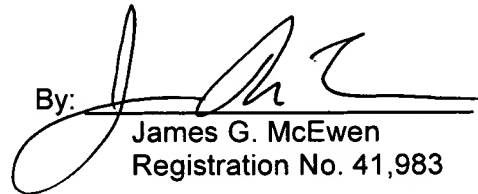
can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By:

A handwritten signature in dark ink, appearing to be 'J. McEwen', written over a horizontal line.

James G. McEwen  
Registration No. 41,983

1400 Eye Street, NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510

Date: SEPT. 28, 2005